ASCENTIVE, LLC v. GOOGLE, INC. Doc. 3

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EDPA on the following ☐ Patents or X Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
09-2871	6/25/09	EDPA Clerk's Office Room 2609, 601 Market St, Philadelphia, PA 19106

PLAINTIFF	DEFENDANT
Ascentive, LLC 201 Spring Garden Street Philadelphia, PA 19123	Google, Inc. 1600 Ampitheatre Parkway Mountain View, CA 94043

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		See attached document for Trademark Numbers and Dates
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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FACTS

A. Ascentive's Intellectual Property and Computer Software Products

14. Ascentive develops and sells computer software products that enhance and protect personal computers, including improving system performance, increasing speed, ensuring privacy, and eliminating the threat of spyware.[2]

15. Over the past decade, Ascentive has developed a reputation as a leader in the personal computer software industry. Ascentive has marketed more than a dozen computer software products, receiving accolades from media outlets like *The Wall Street Journal*, *Newsweek*, *Forbes*, Tech TV and NBC.

16. Ascentive is the owner of an invention relating to potential counterterrorism technology for which an application for United States Patent has been filed. This application has been accorded "special" status and expedited review by the U.S. Patent and Trademark Office ("U.S.P.T.O."). In addition, Ascentive is the assignee of three additional pending U.S. patent applications, one of which has been allowed by the Patent Examiner and consequently a granted patent is expected within approximately three to four months.

17. Ascentive owns registrations for the following trademarks, which it uses in connection with its computer software products (collectively referred to as "Ascentive's trademarks"):

ASCENTIVE - Reg. No. 3,091,824 (issued May 16, 2006)
FINALLYFAST.COM - Reg. No. 3,533,775 (issued Nov. 18, 2008)
FASTATLAST.COM - Reg. No. 3,580,255 (issued Feb. 24, 2009)
PC SPEEDSCAN - Reg. No. 3,580,254 (issued Feb. 24, 2009)
SPYWARE STRIKER - Reg. No. 3,580,253 (issued Feb. 24, 2009)
PC SCAN & SWEEP - Reg. No. 3,580,252 (issued Feb. 24, 2009)
ACTIVESPEED - Reg. No. 3,580,251 (issued Feb. 24, 2009)

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[2] Spyware is harmful software used to collect information and data from personal computers, which may be downloaded and installed without the computer user's consent.

WEBROCKET - Reg. No. 2,510,313 (issued Nov. 20, 2001)
LIFE AT THE SPEED OF LIGHT - Reg. No. 2,757,848 (issued Sept. 2, 2003)

Ascentive also owns trademark applications for the following trademarks:

FINALLYFAST – App. No. 77681970 (filed Mar. 3, 2009)
FINALLY FAST – App. No. 77681963 (filed Mar. 3, 2009)
RAMROCKET – App. No. 77625345 (filed Dec. 3, 2008)
WINROCKET – App. No. 77625523 (filed Dec. 3, 2008)
GREENLIGHT GUARDIAN – App. No. 77625710 (filed Dec. 3, 2008)
BEAWARE – App. No. 77625343 (filed Dec. 3, 2008)
WATCH-BY-WEB – App. No. 77625848 (filed Dec. 3, 2008)

See Ascentive's Trademark Registrations and Applications, attached hereto as Exhibit A.

18. Ascentive's trademarks are inherently distinctive.

19. Ascentive has run advertisements for its products and services nationwide, and has also invested heavily in international marketing.

20. Ascentive operates a number of websites where its computer software products are advertised, sold, and made available for download, including:

www.ascentive.com
www.finallyfast.com
www.fastatlast.com
www.pcfinallyfast.com
www.scanyourpc.com
www.pcspeedscan.com
www.greenlightguardian.com
www.activespeed.com
www.ramrocket.com
www.winrocket.com
www.beaware.com

21. Ascentive is a Microsoft-certified partner and its websites are listed on Google's Safe Browsing Diagnostic pages as hosting safe software, not malicious software or "malware," and having no warnings.